

HOUSE BILL REPORT

HB 3186

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to the modification of disposition orders.

Brief Description: Modifying disposition orders.

Sponsors: Representatives Dickerson and Rodne.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/31/06 [DPS].

Brief Summary of Substitute Bill

- Permits the court to modify a juvenile disposition order regardless of whether the juvenile has violated the terms of the disposition order if there is good cause and there are no increased sanctions or penalties.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

If a juvenile is adjudicated of an offense in juvenile court, the court will enter a dispositional order imposing a sentence on the juvenile. The disposition order may include detention, community service, a period of community supervision, restitution and a fine.

If the juvenile fails to comply with the terms of the order, after a hearing on the violation, the court may modify the order and may impose sanctions for the violation. Sanctions may include a penalty of up to 30 days of confinement in detention.

The court does not have statutory authority to modify the disposition order if the juvenile has not violated the terms of the order.

Summary of Substitute Bill:

A juvenile court probation officer may file a motion with the juvenile court requesting that a juvenile's order of disposition be modified, regardless of whether the respondent has violated any terms of the order of disposition. The court may modify the order of disposition for good cause, so long as the modification does not result in any increased sanction or penalty. In determining whether good cause exists, the court is required to consider the best interests of the respondent and the community.

Substitute Bill Compared to Original Bill:

The substitute bill changes the party who may move the court to modify the disposition to permit only the probation officer to make the motion rather than the court, or any party, which was permitted in the underlying bill.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) This bill allows just a bit more flexibility for judges. Currently, if there is an agreement between the prosecutor and defense attorney, they will enter an order modifying the disposition, but they don't have the legal authority to do this. An example of when this bill could be used is if a juvenile had a drug or alcohol problem and while serving a sentence in detention, a treatment bed opened up. This would allow the court flexibility to not require the juvenile to return to finish the remaining detention time if the juvenile successfully completed the substance abuse program. This can be very positive for kids.

Testimony Against: (Original bill) While we see there may be useful applications of this bill, the language of the bill allows anyone to bring the motion to modify the order. This would allow what was supposed to be a determinate sentence to be modified. The victim may never know about this modification.

Persons Testifying: (In support) Representative Dickerson, prime sponsor; Martha Harden-Cesar, Superior Court Judges' Association and Washington Association of Juvenile Court Administrators; and Phil Jans, Washington Association of Juvenile Court Administrators.

(Opposed) Todd Dowell, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.